

Article - Health - General

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§7-801.

(a) The Deputy Secretary may transfer an individual with developmental disability from a public residential program or a public day program to another public residential program or public day program or, if a private provider of services agrees, to that private program, if the Deputy Secretary finds that:

(1) The individual with developmental disability either can receive better treatment in, or would be more likely to benefit from treatment at the other program; or

(2) The safety or welfare of other individuals with developmental disability would be furthered.

(b) The Deputy Secretary may transfer any individual with developmental disability who is a resident of another state to a residential facility in that state if the Deputy Secretary finds that the transfer is feasible.

(c) (1) Any finding that the Deputy Secretary makes under subsection (a) or (b) of this section shall be in writing and filed with the record of the individual with developmental disability.

(2) A copy of the finding and the notice to the private provider of services or program to which the individual with developmental disability is being transferred shall be sent to the proponent of admission, guardian of the person, next of kin, and counsel of the individual with developmental disability.

(3) The Deputy Secretary shall give the individual with developmental disability the opportunity for a hearing on the proposed transfer under this section. A transfer may not take place until a decision is issued as a result of the hearing.

(4) The determination of an administrative law judge as a result of a hearing under this section is a final decision of the Department for the purpose of judicial review of final decisions under Title 10, Subtitle 2 of the State Government Article.

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